

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
Case No. 1:17-cv-00256-MR-DLH

SHIRLEY TETER,

Plaintiff,

vs.

PROJECT VERITAS ACTION FUND  
et al.,

Defendants.

**DEFENDANTS'**  
**OMNIBUS MOTION IN LIMINE**  
**TO EXCLUDE EVIDENCE**

Defendants Project Veritas Action Fund, Project Veritas, and James O'Keefe, III, through their undersigned counsel, respectfully move the Court to exclude the following evidence and all argument predicated thereon from the trial of this matter:

- Third-party evidence concerning the Teter-Campbell altercation (Fed. R. Evid. 401, 402, 403);
- Unpled medical expenses (Fed. R. Civ. P. 9(g));
- Undisclosed medical expense evidence (Fed. R. Civ. P. 26, 37);
- Medicare records produced after the close of discovery and summary judgment (Fed. R. Civ. P. 26, 37);

- YouTube comments (Fed. R. Evid. 401, 402, 403, 801, 802, 901, 1002);
- “Transcript” of the September 15, 2016 meeting between Project Veritas’s journalists and Scott Foval (Fed. R. Evid. 403, 1002);
- Non-party Testimony concerning the contents of the recordings of the September 15, 2016 meeting between Project Veritas’s journalists and Scott Foval (Fed. R. Evid. 1002);
- Scott Foval’s testimony concerning the intended meaning of his recorded statements (Fed. R. Evid. 401, 402, 403, 1002);
- Evidence concerning journalistic norms (Fed. R. Evid. 401, 402, 403, 702; Fed. R. Civ. P. 26, 37);
- Other improper evidence concerning actual malice, including:
  - Insensitivity to the plaintiff’s reputation or career;
  - Ill-will towards the plaintiff;
  - The fact that a source might have provided information to further his own self-interest;
  - The publication’s profit motive;
  - The publication’s political orientation or partisanship;
  - A publication’s decision not to inquire into the truth of a source’s assertion;
  - Falsity of the publication; and

- Alleged inconsistencies in a source's statements
  - (Fed. R. Evid. 401, 402);
- Evidence concerning Defendants' other projects and investigations (Fed. R. Evid. 401, 402, 403, 404);
- Evidence of investigations and litigation (Fed. R. Evid. 401, 402, 403, 404, 801, 802).

For the reasons set forth more fully in the accompanying memorandum, Defendants respectfully request that the evidence described above and any argument predicated thereon be excluded.

Respectfully submitted, this the 19<sup>th</sup> day of April, 2019.

/s/ Michael Montecalvo

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